

**TENTATIVE RULINGS**

**CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR**

**For: 12/22/2008 Monday Dept: 1A**

**(Posted 12/18/08)**

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

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1. **1:00 PM** Case: CF7499 [M] BANK OF AMERICA v WELDON  
Type: COLLECTIONS Date Filed: 04/23/07  
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

PLNTFF: BANK OF AMERICA NA USA ATTY: HARRIS & ZIDE  
DEFNDT: WELDON, DERRICK T  
Service Date/Type: 06/13/07 PER 00 00 00

Tentative Ruling: This matter awaits entry of judgment. The matter is continued for further case management, if judgment enters in the interim the following date will be vacated, Dept 1A at 1:00 PM on 4/20/09.

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2. **1:00 PM** Case: CF8154 [M] STATE FARM MUTUAL v CALAVERAS COUNTY  
Type: PI/PD - MV Date Filed: 08/08/08  
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: STATE FARM MUTUAL AUTOMOBILE INS ATTY: KAMRATH, SCOTT R. ESQ  
DEFNDT: CALAVERAS COUNTY C.C.: CALAVERAS COUNTY COUNSEL  
Service Date/Type: 09/18/08 SUB Answer Date: 09/26/08  
DEFNDT: STONE, FRANK A C.C.: CALAVERAS COUNTY COUNSEL  
Service Date/Type: 10/16/08 PER Answer Date: 10/31/08  
AKA: STONE, FRANK

Tentative Ruling: The case is At-Issue and referred to Judicial Arbitration on a 60 day delay. The parties may stipulate to mediation in lieu of arbitration. Discovery to remain open until 30 days prior to trial. Trial setting is set in Dept. 1A at 1:00 PM on 6/1/09.

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3. 1:00 PM Case: CV31610 [S] DARBY v SNOWDEN  
Type: WRONGFUL DEATH - MV Date Filed: 04/15/05  
Priority Info: 170.6JEM/LEAD CASE W/CV31640  
Event: COURT'S MOTION TO DISMISS PER CRC 3.1385  
170.6 JEM

Related cases NOT on this calendar: CV31640 , C11270 ,  
PLNTFF: DARBY, TRAVIS A. ATTY: HELLER LAW FIRM  
PLNTFF: DARBY, TYLER A. ATTY: HELLER LAW FIRM  
GDN/AL: ELDER, DONALD ATTY: FURTADO JASPOVICE & SIMONS  
X-DEFT STATE OF CALIFORNIA

Tentative Ruling: The matter was previously noticed and set for the court's motion to dismiss pursuant to Cal. Rules of Court 3.1385. No opposition to the motion has been filed and the matter is hereby ordered dismissed with prejudice.

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4. 1:00 PM Case: CV34320 [S] GOETSCH v WILSON, ETAL  
Type: DAMAGES-NON TORT Date Filed: 12/26/07  
Priority Info: LEAD FILE WITH CF7868  
Event: TRIAL SETTING AFTER ARBITRATION  
ARBITRATION REFERRAL IN CF7868

Related cases NOT on this calendar: CF7868 ,  
PLNTFF: GOETSCH, HALEY MELISSA ATTY: PETERSEN LAW OFFICES  
PLNTFF: CALAVERAS CO OFFICE OF EDUCATION ATTY: MULLEN & FILIPPI  
DEFNDT: WILSON, STEVEN ARRON ATTY: MAYALL HURLEY KNUTSEN SMITH &  
Service Date/Type: 00/00/00 Answer Date: 04/10/08  
DEFNDT: GREGORY, DONLEN ATTY: MAYALL HURLEY KNUTSEN SMITH &  
Service Date/Type: 03/12/08 SUB Answer Date: 04/10/08  
DEFNDT: DONLEN, GREGORY ATTY: MAYALL HURLEY KNUTSEN SMITH &  
DEFNDT: DONLEN LANDSCAPING ATTY: MAYALL HURLEY KNUTSEN SMITH &

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 120 days out and for Trial in Dept. 6 approximately 150 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 4 day jury trial.

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5. 1:00 PM Case: CV34371 [S] SAKATA v ABERNATHY  
Type: PI-NON MOTOR VEHICLE Date Filed: 01/22/08  
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

PLNTFF: SAKATA, SHANA MONTGOMERY ATTY: VANTASSELL FORNASERO & WAGSTA  
DEFNDT: ABERNATHY, STEVEN  
Service Date/Type: 04/01/08 SUB 00/00/00

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 4/20/09.

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6. 1:00 PM Case: CV34963 [S] LEONARDI TOSO v ANDERSON  
Type: REAL PROPERTY Date Filed: 08/05/08  
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: TOSO, ALDO D. LEONARDI ATTY: SMALL, MICHAEL D ESQ  
PLNTFF: LEONARDI, MEREDITH J ATTY: SMALL, MICHAEL D ESQ  
DEFNDT: ANDERSON, STUART A ATTY: BECHELLI, LAW OFFICES  
Service Date/Type: 08/05/08 PER Answer Date: 09/04/08

Tentative Ruling: The case is At-Issue and mediation is recommended to the parties. A Trial Setting Conference is set in Dept. 1A at 1:00 PM on 6/1/09.

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7. 1:00 PM Case: CV34973 [S] GRIMSTEAD v LOPEZ  
Type: QUIET TITLE Date Filed: 08/07/08  
Event: CASE MANAGEMENT CONFERENCE-CIVIL  
Event: OSC RE: FILING COMPLIANCE  
\*VACATE IF ALL POS/ANSWERS ARE FILED\*

PLNTFF: GRIMSTEAD, JAY H ATTY: HENSON, ALEXANDER T. ESQ  
TRSTEE: JAY H. GRIMSTEAD AND DONNA GRI  
PLNTFF: GRIMSTEAD, DONNA ATTY: HENSON, ALEXANDER T. ESQ  
TRSTEE: JAY H. GRIMSTEAD AND DONNA GRI  
DEFNDT: DOYLE, MICHAEL L.  
DEFNDT: BROWN, DANIEL WAYNE  
DEFNDT: MURPHY, SEAN E.

Tentative Ruling: The plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 4/20/09.

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8. 1:00 PM Case: CV34978 [S] PASTORE v LAUGHLIN  
Type: BREACH OF CONTRACT Date Filed: 08/08/08  
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: PASTORE, JAMES ATTY: WEISBERG, MICHAEL ESQ  
DEFNDT: LAUGHLIN, KATHY ATTY: IN PRO PER  
Service Date/Type: 08/17/08 PER Answer Date: 08/22/08

Tentative Ruling: The case is At-Issue and referred to Judicial Arbitration on a 60 day delay. The parties may stipulate to mediation in lieu of arbitration. Discovery to remain open until 30 days prior to trial. Trial setting is set in Dept. 1A at 1:00 PM on 6/1/09.

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9. 1:00 PM Case: CV35156 [S] PALOMINO & SONS v VALADEZ  
Type: BREACH OF CONTRACT Date Filed: 10/10/08  
Event: OSC RE: FILING COMPLIANCE  
\*VACATE IF ALL POS/ANSWERS ARE FILED\*  
02/23/09 1:00 1A CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: PALOMINO & SONS INC ATTY: WALTERS, ELIZABETH A. ESQ  
DEFNDT: VALADEZ, PETE JOHN  
DEFNDT: INDYMAC FEDERAL BANK FSB ATTY: ALLEN MATKINS LECK GAMBLE MAL  
Service Date/Type: 00/00/00 Answer Date: 12/11/08

Tentative Ruling: Plaintiff has not filed a proper Proof of Service as to all defendants. (Pete Valadez) The OSC is continued over to the previously scheduled CMC time and date.

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10. 1:00 PM Case: CV35165 [S] HUMPHREYS v SMITH  
Type: NEGLIGENCE Date Filed: 10/15/08  
Event: OSC RE: FILING COMPLIANCE  
\*VACATE IF ALL POS/ANSWERS ARE FILED\*  
03/09/09 1:00 1A CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: HUMPHREYS, MELANIE ATTY: RYAN & ASSOCIATES  
DEFNDT: SMITH, SUSAN

Tentative Ruling: Plaintiff has not filed a proper Proof of Service as to all defendants. The OSC is continued over to the previously scheduled CMC time and date.

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11. **2:00 PM** Case: CV30824 [S] BIONDI v BIONDI  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 07/28/04  
Event: CASE MANAGEMENT CONFERENCE; PETITIONER'S  
CONTINUED OSC MODIFICATION OF VISITATION  
02/18/09 9:00 1 COURT TRIAL ON PETITIONER'S OSC FOR  
MODIFICATION OF VISITATION

PETNR: BIONDI, MARGOT ADELLE ATTY: HOLLOWAY, J. CHRISTOPHER ESQ  
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT  
RESP: BIONDI, ANTHONY DAVID ATTY: IN PRO PER  
Service Date/Type: 08/11/04 MAI Answer Date: 08/20/04

Tentative Ruling: There is a post-judgment child visitation motion currently set for hearing 2/18/09. Respondent is ordered to serve and file a response to the motion forthwith. Hearing on visitation is confirmed.

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12. 2:00 PM Case: CV32677 [S] MANN v MANN  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 05/17/06  
At-Issue Date: 00/00/00 Trial: 08/14/08 COURT TRIAL - LONG CAUSE  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV32487 ,  
PETNR: MANN, SHAWNA ATTY: IN PRO PER  
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT  
RESP: MANN, DENNIS ATTY: SALAZAR, ANTHONY T. ESQ  
Service Date/Type: 00/00/00 Answer Date: 06/19/06

Tentative Ruling: There is a permanent custody order. The parties are to submit a visitation plan. If a final Judgment (FL-180) on all issues is on file prior to the next Case Management hearing the Case Management hearing will be vacated. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 4/20/09.

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13. 2:00 PM Case: CV34410 [S] TANKERSLEY v TANKERSLEY  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 02/13/08  
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: TANKERSLEY, DELORES ANN ATTY: IN PRO PER  
RESP: TANKERSLEY, EDWARD I ATTY: IN PRO PER  
Service Date/Type: 02/20/08 SMS Answer Date: 02/29/08

Tentative Ruling: The matter is set for Settlement and Trial Setting Conference (See Local Rule 5.9(b)) with Settlement Conference Statements due 5 court days prior to hearing at 3:00 PM in Dept. 1A on 2/23/09.

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14. 2:00 PM Case: CV34413 [S] GREENFIELD v GREENFIELD  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 02/13/08  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: GREENFIELD, TONYA R. ATTY: IN PRO PER  
RESP: GREENFIELD, DAVID L. ATTY: IN PRO PER  
Service Date/Type: 00/00/00 Answer Date: 03/14/08

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Petitioner is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 4/20/09.

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15. 2:00 PM Case: CV34470 [S] ARAUJO v ARAUJO  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 02/29/08  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: ARAUJO, REGINA G ATTY: IN PRO PER  
RESP: ARAUJO, ROBERT N

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 3/23/09.

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16. 2:00 PM Case: CV34717 [S] WAID v WAID  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 05/20/08  
Priority Info: 170.3 JEM; 170.6 DVM CV34709  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW  
170.3 JEM/170.6 DVM  
12/23/08 9:00 1 RETURN ON MEDIATION; CONT'D PET'S MOT RE  
MOD OF CUSTODY/VISITATION, SUPPORT &  
PROPERTY CONTROL 170.3 JEM/170.6 DVM  
12/23/08 9:00 1 CONT'D RESP'S MOTION FOR MODIFICATION OF  
VISITATION, ATTY FEES & COSTS, CHILD &  
SPOUSAL SUPPORT 170.3 JEM/170.6 DVM  
02/04/09 1:30 6 PETITIONER'S OSC RE CONTEMPT

Related cases NOT on this calendar: CV34709 , CV32387 , CV32402 ,  
PETNR: WAID, BILL ATTY: SALAZAR, ANTHONY T. ESQ  
MINOR: WAID MINORS P.D.: ASH (P.D.), CYRIL ESQ.  
RESP: WAID, MARNENE ATTY: BECHELLI, LAW OFFICES  
Service Date/Type: 05/29/08 PER Answer Date: 06/12/08

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 3/23/09.

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17. 2:00 PM Case: CV34731 [S] CADGER v CADGER  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 05/23/08  
Priority Info: 170.3 JEM  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: CADGER, TRINA ATTY: IN PRO PER  
RESP: CADGER, GREGORY  
Service Date/Type: 05/29/08 PER 00/00/00

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. This matter may be concluded by a notarized Marital Settlement Agreement ("MSA") of the parties attached to the Judgment (FL-180). The CMC is set for Dept 1A at 2:00 PM on 4/20/09.

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18. 2:00 PM Case: CV34733 [S] POWERS v REEDER  
Type: ESTABLISH PARENTAL RELATIONSHI Date Filed: 05/27/08  
Priority Info: CONFIDENTIAL  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV28894 ,  
PETNR: POWERS, KRISTIN L ATTY: IN PRO PER  
RESP: REEDER, ERIC R  
Service Date/Type: 08/11/08 PER 00/00/00

Tentative Ruling: There is Proof of Service but no Response or Default. Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 2:00 PM on 6/22/09.

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19. 2:00 PM Case: CV34981 [S] TATE v TATE  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 08/12/08  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW  
  
PETNR: TATE, SUZANNE P ATTY: CHAVEZ-OCHOA LAW OFFICES INC.  
RESP: TATE, TIMOTHY M ATTY: BRADSHAW, JANET L. ESQ  
Service Date/Type: 08/22/08 PER Answer Date: 09/30/08

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 4/20/09.

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20. 2:00 PM Case: CV35003 [S] ROUTH v KATAVICH  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 08/18/08  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW  
  
PETNR: ROUTH, DANNY RAY ATTY: FRUMKIN INC, ALLAN R.  
RESP: KATAVICH, KATHLEEN

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 3/23/09.

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21. 2:00 PM Case: CV35005 [S] PICARD v PICARD  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 08/19/08  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: PICARD, KLAR KRISTAN ATTY: IN PRO PER  
RESP: PICARD, JUSTIN

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 3/23/09.

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22. 2:00 PM Case: CV35020 [S] MILLER v DEMARTINO  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 08/27/08  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: MILLER, JAMES V. ATTY: IN PRO PER  
RESP: DEMARTINO, MIGNON ATTY: SALAZAR, ANTHONY T. ESQ  
Service Date/Type: 08/31/08 PER Answer Date: 09/30/08

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Thereafter, Respondent is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. Finally, Petitioner is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. This matter may be concluded by a Marital Settlement Agreement ("MSA") of the parties attached to the Judgment (FL-180). After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 3/23/09.

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23. **3:00 PM** Case: CV33440 [S] PRATT v PRATT  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 02/15/07  
Event: SETTLEMENT CONFERENCE/TRIAL SETTING  
12/30/08 9:00 1 RESPONDENT'S MOTION FOR MODIFICATION OF  
VISITATION  
08/30/09 0:00 9 TICKLER RE: CLETS ORDER EXPIRES 8-30-09

Related cases NOT on this calendar: CV33967 ,  
PETNR: PRATT, JESSICA ATTY: IN PRO PER  
RESP: PRATT, WILLIAM ATTY: HAKEEM ELLIS & MARENGO  
Service Date/Type: 02/20/07 PER Answer Date: 03/19/07

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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24. 3:00 PM Case: CV34269 [S] BAILON v BAILON  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 12/06/07  
Event: SETTLEMENT CONFERENCE/TRIAL SETTING ON  
RESPONDENT'S MOTION RE MODIFICATION OF  
VISITATION  
12/23/08 9:00 1 RESPONDENT'S OSC FOR INJUNCTIVE ORDER

Related cases NOT on this calendar: C13185 ,  
PETNR: BAILON, DANIEL J. ATTY: IN PRO PER  
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT  
RESP: BAILON, VALERIE J. ATTY: IN PRO PER  
Service Date/Type: 00/00/00 Answer Date: 02/06/08

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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25. 3:00 PM Case: CV34520 [S] THOMAS v THOMAS  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 03/18/08  
Event: FURTHER SETTLEMENT CONFERENCE/TRIAL  
SETTING RE CUSTODY AND VISITATION

PETNR: THOMAS, HAZEL M. ATTY: IN PRO PER  
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT  
MINOR: THOMAS MINORS P.D.: RUSSO (P.D.), ARLEEN ESQ.  
RESP: THOMAS, MICHAEL L ATTY: IN PRO PER  
Service Date/Type: 00/00/00 Answer Date: 04/17/08

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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26. **4:00 PM** Case: CV32833 [S] FISCUS v FISCUS  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 07/18/06  
At-Issue Date: 00/00/00 Trial: 10/08/08 COURT TRIAL - LONG CAUSE  
Event: SETTLEMENT CONFERENCE/TRIAL SETTING

PETNR: FISCUS, ISABELLA ATTY: IN PRO PER  
NKA: FUDGE, ISABELLA  
RESP: FISCUS, MICHAEL ATTY: CHAVEZ-OCHOA LAW OFFICES INC.  
Service Date/Type: 07/18/06 PER Answer Date: 08/08/06  
CLAMNT: CALIFORNIA PUBLIC EMPLOYEES RETIR

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.